

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THOMAS DEWALT, Appellant,)	No. ED101245
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
DAVIDSON SURFACE AIR and)	Hon. Colleen Dolan
DONALD DAVIDSON, Respondents.)	Filed: September 23, 2014

Thomas DeWalt appeals from the judgment awarding him only a portion of the requested attorneys' fees at trial and on appeal after he succeeded in proving disability discrimination against his employer.

AFFIRMED, IN PART, AND REVERSED AND REMANDED, IN PART.

Division Three holds:

The trial court abused its discretion in this case by failing to consider the nature and importance of this Missouri Human Rights Act claim, either when determining attorneys' fees at trial or on appeal. Moreover, its reliance on the policy of encouraging settlement to justify a reduction in the requested fees was misplaced in this case where no findings regarding settlement efforts were made. Finally, reasonable time spent preparing a fee request is compensable, and the trial court abused its discretion in excluding all such time from the fee award. Deducting some of counsel's time spent communicating with the client was not, however, an abuse of discretion.

Opinion by: Robert G. Dowd, Jr., J
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorneys for Appellant: Mark A. Potashnick, Eli Karsh

Attorney for Respondent: Jack B. Spooner

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
